

Therefore, Magistrate Judge Baughman's report and recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt. #) is **DENIED** as to **Grounds Two and Three** and **DISMISSED** as to **Ground One**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 05/02/2007

FILED
MAY 2 2007
CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND

Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE